

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
JANUARY 2, 1969

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Thursday, January 2, 1969, in the City Hall Council Chambers.

ROLL CALL Present: Councilman - BROWN, CULBERTSON, KIRSTEN,
SCHAFFER and HUNNELL (Mayor)

Also present: City Manager Graves, Assistant City Manager Peterson, City Attorney Mullen and Planning Director Schroeder.

PLEDGE Mayor Hunnell led the Pledge of Allegiance to the flag.

MINUTES On motion of Councilman Culbertson, Kirsten second, the Minutes of December 18, 1968, were approved as written and mailed.

PUBLIC HEARINGS

REZONE 112 Notice thereof having been published in accordance with law,
W. TOKAY Mayor Hunnell called for the public hearing on the proposal to
rezone a parcel located at 112 West Tokay Street from the R-4 to
the R-2 District as recommended by the City Planning Commission.
ORD. NO. 881 There was no one in the audience who wished to speak in favor of
INTRODUCED or against the proposal and the public portion of the hearing was
closed. Councilman Brown then moved the introduction of
Ordinance No. 881 rezoning a parcel at 112 West Tokay Street
from the R-4, Multiple-Family Residential Institutional District
to be in the R-2, Single-Family Residential District. The motion
was seconded by Councilman Schaffer and carried by unanimous vote.

REZONE 515-723
W. KETTLEMAN

ORD. NO. 882
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Hunnell called for the public hearing on the proposal to rezone parcels located between 515 and 723 West Kettleman Lane from the R-3 to the R-MD District as recommended by the City Planning Commission. There being no one in the audience who wished to speak in favor or against the proposal, the public portion of the hearing was closed. On motion of Councilman Kirsten, Schaffer second, the Council introduced Ordinance No. 882 rezoning parcels located between 515-723 West Kettleman Lane from the R-3, Limited Multiple-Family Residential District to be in R-MD, Medium Density Multiple-Family Residential District.

REZONE REAR Notice thereof having been published in accordance with law,
OF 950 S. Mayor Hunnell called for the public hearing on the proposal to
FAIRMONT rezone a parcel to the rear of 950 South Fairmont Avenue from
 the R-3, Limited Multiple-Family Residential District to the
HEARING R-1, Single Family Residential District as recommended by the
CONT'D City Planning Commission. The Planning Director introduced the
 matter and explained that the parcel proposed for rezoning was
 an off-street parking lot used in conjunction with the Fairmont
 Convalescent Hospital. The Planning Commission had originally
 advertised the parcel to be rezoned to C-P, but later changed
 their recommendation to R-1.

Dr. George Williams, owner of the property, stated he had not attended the Planning Commission meeting when the matter was heard because he thought it was being recommended for rezoning to C-P. He stated that he and Dr. Walter Reiss had plans to enlarge the convalescent hospital and would like to use the existing parking lot for construction of an additional building. Dr. Williams said he felt the Planning Commission was not aware of the future plans for the property when they recommended the R-1 zoning. He requested the property be rezoned to C-P as originally recommended by the City Planning Commission.

Victor Meyer, 41 South Sacramento Street, also spoke against the rezoning and requested C-P zoning for the parcel. Planning Director Schroeder pointed out that the two adjacent lots should also be considered in the rezoning.

Minutes of January 2, 1969 continued

After Council discussion, Councilman Kirsten moved the hearing be continued and the matter be sent back to the Planning Commission for reconsideration and recommendation. The motion was seconded by Councilman Brown and carried with Councilman Schaffer abstaining because of a conflict of interest.

REZONE -
BEACON OIL
REQUEST

ORD. NO. 883
INTRODUCED

Notice thereof having been published in accordance with law, the Mayor called for the public hearing on the proposal to rezone a 25-foot parcel on the south side of East Elm Street adjacent to the existing commercial zoning along North Cherokee Lane from the R-4 to the C-2 District.

Mr. Joseph Deluchi, representing Beacon Oil Company, and Ralph Lewis, Realtor, 111 West Lodi Avenue, spoke in favor of the rezoning. There were no others in the audience who wished to speak in favor of or against the proposal and the public portion of the hearing was closed. Councilman Schaffer then moved introduction of Ordinance No. 883 rezoning a 25-foot parcel on the south side of East Elm Street adjacent to the existing commercial zoning along North Cherokee Lane from the R-4, Multiple-Family Residential Institutional District to the C-2, General-Commercial District. The motion was seconded by Councilman Brown and carried by unanimous vote.

PLANNING COMMISSION

APPEAL -
MCDANIEL IND.
PARK MAP

The discussion of the appeal of Victor Meyer regarding the tentative map of McDaniel Industrial Park having been continued from the meeting of December 18, 1968, the City Manager reviewed the opinion of the City Attorney as set forth in his letter to the City Council of December 30, 1968, stating that the requirement of the Planning Commission relating to the area to be used for the grade separation to be a reasonable condition to approval of the subdivision map. Mr. Victor Meyer, 41 South Sacramento Street, representing Mr. McDaniel, stated he felt it was unfair to require a 25-foot strip to be set aside as right of way for a grade separation when it was not known for certain that there would be a grade separation. He felt the City had caused Mr. McDaniel undue delay in the development of his property. The City Manager stated the commitment of the State Highway Commission was such that there could be little doubt that the grade separation would be constructed. Councilman Kirsten also assured Mr. Meyer that he had communication from the Division of Highways giving assurance that the project would be constructed. The engineering delay of the grade separation is due to the City's request for an underpass rather than an overpass. The project is presently being delayed while the State prepares models of the requested underpass. City Manager Graves stated that the City and the State have progressed as speedily as any government agency could on such a project. He questioned Mr. Meyer as to what it was Mr. McDaniel wanted from the City and explained that the City is not in a position to state a definite time for acquisition of right of way. Mr. Meyer stated that he realized the City could not be precise as to time of acquisition and description of the property to be acquired, but he wanted estimates as near as possible. He stated his client did not want to frustrate the project but did not feel his own development should continue to be delayed indefinitely.

City Manager Graves then suggested a meeting with the State might be helpful. After further discussion, Mr. Meyer requested a continuation of the matter and Councilman Kirsten moved that the matter be continued pursuant to Mr. Meyer's request and directed the City Manager to set up a meeting between the State Division of Highways, Mr. Meyer and City officials as soon as possible. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

Minutes of January 2, 1969 continued

COMMUNICATIONS

CVD, LCC Notice was read of the Central Valley Division, League of California Cities, meeting to be held in Riverbank on January 23, 1969.

LEGISLATION A letter was read from the City of Marysville requesting the City to adopt a resolution regarding property tax legislation. No action was taken.

ABC
LICENSE Notice of application for alcoholic beverage license was read as follows: Person-to-person transfer, off-sale general, from Doris and Hassan Mosri to Robert J. Bennett and Forest J. Grunigen, Lodi Avenue Liquor Store, 914 West Lodi Avenue.

REPORTS OF THE CITY MANAGER

CLAIMS Claims in the amount of \$290,523 were approved on motion of Councilman Kirsten, Schaffer second.

AGRICULTURAL PRESERVES - SJ COUNTY City Manager Graves read a notice of public hearing which was held December 16, 1968 by the San Joaquin County Board of Supervisors for the purpose of creating an agricultural preserve within one mile of the exterior boundaries of every city in San Joaquin County. He recommended no action at this time.

GASOLINE PURCHASE - SJ COUNTY As requested at the meeting of December 18, 1968, the City Manager reported he had contacted local distributors and found there to be no opposition to the City purchasing its year's supply of gasoline, oils and greases through the County contract.

SALE OF BONDS - AGREEMENT City Manager Graves reported that he had contacted the firm of Stone and Youngberg, the City's financial consultants, for advice regarding the sale of sewer and drainage bonds. He found that a new agreement would be in order because of the time elapsed since the last bond sale had exceeded that originally planned. The City Manager requested authorization to sign the new agreement with Stone and Youngberg for services for a sum of \$4500. as submitted. On motion of Councilman Kirsten, Culbertson second, the Council authorized the City Manager to sign said agreement on behalf of the City.

LODI AVE. - CHURCH ST. WATER LINE The City Manager read a memorandum from the Public Works Director requesting authorization to install a water line on Lodi Avenue and Church Street. This line would be installed rather than the Cherokee Lane, Lockeford to Murray Street line as budgeted. The line is necessary for the development on Lodi Avenue between Church and School Street. The City Manager recommended approval of the request. On motion of Councilman Culbertson, Kirsten second, the City Council approved the installation of the water line as requested.

WESTWOOD EXTENSION The City Manager explained that the Public Works Department is proceeding with the extension of Westwood Avenue and needs a determination as to who will be responsible for the improvements on the west side of the street. Also, it will be necessary to extend the water line in this area. In 1958 the owner of the property on the west side of Westwood Avenue dedicated 2.4 feet of right of way with the understanding that he would be responsible for construction of curb, gutter and sidewalk adjacent to his property as well as the cost of one-half of the paved width of Westwood Avenue along the south 67 feet of the property. Based on the above understanding, the present property owner would be required to install 170 feet of curb, gutter and sidewalk for the 2.4 feet of right of way. The Public Works Director and the City Manager felt this was too much to ask of the property owner, as they would not benefit greatly by the improvements. City Attorney Mullen felt this was a unique situation and the property owners

Minutes of January 2, 1969 continued

should not be required to pay for the improvements on Westwood Avenue. After further discussion, Councilman Culbertson moved the City install curb, gutter, sidewalk and paving in exchange for right of way on both sides of Westwood Avenue from its end to Lake Street and the property owners on the South side of Lake Street be required to install curb, gutter and sidewalk as necessary. The motion was carried by unanimous vote.

in Westwood Ave.
to Lake Street.

Minutes 1/15/69

Councilman Brown then moved approval of the extension of the existing water line. The motion was seconded by Councilman Culbertson and carried by unanimous vote.

SPECS-PUMP
AND MOTOR

The City Manager presented specifications for a pump and motor for Well #14. On motion of Councilman Kirsten, Schaffer second, the Council approved the specifications and authorized calling for bids thereon.

DRAINAGE -
ST. PETER'S
LUTHERAN
CHURCH

The City Manager explained that the question of City participation in the cost of storm drainage had been raised by the Lutheran Church which is proceeding with the development of a church west of Twin Oaks Park and a subdivision on the north side of Oxford Way and across the street from the Park. In developing cost figures for the development contract the church and subdivider have been charged the acreage fee for drainage and the credits for oversized pipes have been applied. Bids for the construction have been received and the developers are faced with costs in addition to the acreage fee. It is the contention of the developers that the City, as a joint developer, should share in this additional expense. The City Manager stated that, in view of the fact the City has previously agreed to share costs for water and sewer expense, it is reasonable for the City to pay its share of the excess drainage expense as a joint developer. He explained the acreage fee charged the developers for the section of development involved totaled \$6,828 and the credits allowed totaled \$13,453.50. The City's share of the excess costs would amount to \$793.25. After discussion by the City Council, Councilman Kirsten moved approval of City participation to the extent of \$793.25 in the storm drainage costs as a joint development. Councilman Schaffer seconded the motion and it carried by unanimous vote.

ORDINANCES

AMEND ZONING
ORD. TO PROVIDE
INDUS. DISTRICTS

ORD. NO. 877
ADOPTED

ORDINANCE NO. 877, entitled "AN ORDINANCE AMENDING CHAPTER 27 (ZONING ORDINANCE) OF THE LODI CITY CODE AND THEREBY ESTABLISHING THE FOLLOWING INDUSTRIAL DISTRICTS - C-M, M-1 AND M-2," having been introduced at the meeting of December 18, 1968, was brought up for passage on motion of Councilman Kirsten, Schaffer second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, KIRSTEN,
SCHAFFER and HUNNELL

Noes: Councilmen - None

Absent: Councilmen - None

SIDEWALK -
700 BLOCK
N. CHURCH

Councilman Brown asked questions regarding the sidewalk repair which is being required of 12 property owners in the 700 block of North Church Street. He stated he had talked with some of the property owners and they were not anxious to install new

Minutes of January 2, 1969 continued


sidewalks unless the planting strip is removed and the street widened at the same time. They do not wish to pay for the installation of sidewalks a second time if the City should decide to widen the street in a year or two. The Public Works Director explained that when the City is prepared to widen the street it will relocate the sidewalk at no expense to the property owners. The property owners are only being asked to repair the sidewalks that are defective. Mr. Jones then stated he would be happy to discuss the matter with the property owners. Councilman Brown said he would explain this to the property owners.

CAPITAL
OUTLAY
PROGRAM

Mayor Hunnell asked the City Manager if it would be possible to have the report on the Capital Outlay Program by April. The City Manager stated he hoped the matter would be ready before that time.

ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at approximately 11:10 p.m.


Attest: BESSIE L. BENNETT
City Clerk